

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

vs.

ANDREW TERRY

Criminal No.: 10-00029

AND NOW, THIS 27th DAY OF
Jan, 2011, IT IS HEREBY
ORDERED THAT THE WITHIN
MOTION IS DENIED.


GARY L. LANCASTER,
UNITED STATES DISTRICT JUDGE

**MOTION FOR RECONSIDERATION OF MOTION TO
SUPPRESS AND RE-HEARING OF THE MOTION TO SUPPRESS**

AND NOW, comes Andrew Terry, by his attorney, Stephen Israel, Esquire, and moves your Honorable Court as follows:

1. Pursuant to a Motion to Suppress the firearm seized by Pittsburgh police officers, a hearing took place before your Honorable Court on October 20, 2010.
2. The court on November 8, 2010 by Memorandum and Order denied the Motion to Suppress Evidence.
3. Mr. Terry, the Defendant, contends that there was clear error of fact regarding the neighborhood, with misstatements and confusion as to Maple Avenue being in a high crime area and being considered with Northview Heights. The only reason for Mr. Terry's former attorney to mention Northview Heights was to say if the Chief of Police says it's not considered a high crime area, then there is no way Maple Avenue could be one considering the crime rate is three times lower than that of Northview Heights.
4. It should have been pointed out that the officer's testimony is in dispute when the officer's analysis is based upon 50 arrests over a 14-year time span which included the Perrysville and Charles Street areas.
5. Defendant also claims that it should have been brought out that he was paroled to Maple Street, and that it is against parole policy to parole someone to be high crime area.
6. Mr. Terry also contends that his former attorney failed to introduce photographic evidence that disputes the officer's claim that the road was obstructed.